

**IN THE DRAWINGS:**

Please replace Fig. 9 with Fig. 9 as found on the amended sheet attached hereto.

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### REMARKS

The Office Action of February 20, 2008, has been carefully considered.

Objection has been raised to the drawings for failure to include reference numeral 4 found on page 9 in the specification, and in including a reference numeral 20b not mentioned in the specification.

A substitute drawing sheet has now been submitted in which 20b has been replaced by 20a. In addition, page 9 of the specification has been amended to delete the reference to reference numeral 4.

Objection has been raised to the specification based upon the language at page 5, line 23, and this language has now been corrected.

Objection has also been raised to Claim 6, and Claim 6 has been corrected.

Claims 6, 12, 16 and 28 have been rejected under 35 USC 112, second paragraph, with Claims 6, 12 and 16 being objected to on the basis that relationship must be established between the device and the user's eyes, mouth and nose. Claims 6, 12 and 16 have now been amended to recite that the mask is "constructed and arranged" such that the part of the mask which is recited has a specific relationship with the eyes, mouth and nose.

Objection has been raised to Claim 28 on the basis that Claim 1 does not establish that the sealing means is "elastic" and the dependency of Claim 28 has now been changed to Claim 18.

Withdrawal of this rejection is requested.

Claims 1, 6, 8, 12, 16, 23 and 27 have been rejected under 35 USC 102(b) as anticipated by, or under 35 USC 103(a) as obvious over Richardson.

The Richardson patent discloses a disposable smoke mask

with a replaceable filter and an exhalation valve 20. The Office action states that the sealing means is separate, and not attached to the bag.

However, Richardson, at column 6, lines 31-34, describes the sealing means as follows:

"Drawstring 60 is then pulled securely around the neck and held in place by a releasable holder 62. A stretchable strap 64 of the type shown in U.S. Pat. No. 5,452,612 can also be pulled down beneath the user's chin."

Applicant disagrees with the conclusion that the sealing means is not attached to the bag. The drawstring 60 is strung through a sleeve in the mask and is thus a part of the mask and connected thereto and not separate from it. *Its position with respect to the mask is fixed.* Holder 62, as well, is connected to the drawstring and must be considered to be an integral part of the mask unit. Neither string 60 nor holder 62 can be considered as being detached even if ultimately, they can be removed from the mask.

With regard to the sealing strap, it can be seen clearly in U.S. Patent No. 5,452,712 that the sealing strap is connected to the mask.

In an attempt to better distinguish over the cited art, Claims 1 and 27 have been amended to recite that the separate sealing means is not "connected" to the bag. This recitation is supported by the specification at page 3, line 13. The position of the sealing means with respect to the bag is entirely adjustable.

It is well known in the art that one of the major problems with hood masks is the accumulation of carbon dioxide exhaled from the lungs; the carbon dioxide remains inside the space in the hood mask (page 3, lines 16-22 of the specification) and can be re-inhaled by the wearer, thus increasing the carbon dioxide content within the mask.

The invention addresses this particular problem by using a separate seal, which is not connected to the mask. Thus, the seal can be selectively moved upwards and downwards on the neck, while stretching the hood mask and smoothing it to significantly reduce the mass of exhaled air which accumulates in the hood compared to other systems, and in particular with Richardson's seals around the front part of the face.

Moreover, the mask of Richardson does not provide a "one size fits all" device. The separate elastic band of the invention permits optimum fit and sealing of the mask over the hood and due to various head sizes, the exhalation filter can be moved so that it is opposite the mouth and nose. The shape of the claimed bag facilitates easy adjustment and positioning of the filter in order that it is approximately opposite the mouth and nose by pulling the front layer of the bag upwards or downwards, as necessary. This can be achieved only if the seal is independent of the mask and not connected thereto. By moving the mask so that the filter is opposite the mouth and nose, the amount of carbon dioxide remaining in the mask can be significantly reduced, as is disclosed at page 6, first paragraph of the present application.

The Richardson reference does not disclose or suggest reducing carbon dioxide within the hood mask by using an independent seal which is not connected to the mask. Indeed, the seal disclosed by Richardson does not permit such an adjustment.

Withdrawal of this rejection is requested.

Claim 2 has been rejected under 35 USC 103(a) over Richardson in view of McGuinness. McGuinness discloses protective hoods formed from plastic laminates, but does not otherwise cure the defects of Richardson and withdrawal of this rejection is requested.

Claims 9-11 and 13 have been rejected under 35 USC 103(a)

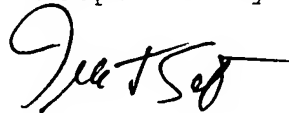
over Richardson in view of Wen. Wen has been cited to show a multilayer filter with charcoal and antiseptic agents including clorohexdine, but does not otherwise cure the defects of Richardson and withdrawal of this rejection is requested.

Claim 15 has been rejected under 35 USC 103(a) over Richardson in view of Courtney. Courtney discloses a filter assembly including an exhalation valve, but does not otherwise cure the defects of Richardson and withdrawal of this rejection is requested.

Claims 18-20 and 28 have been rejected under 35 USC 103(a) over Richardson in view of Siberell. Siberell has been cited to show an elastic drawstring for use in clothing devices, but as noted above, the invention is not directed to an elastic drawstring, but rather to an elastic band which is entirely separate and not connected to the mask. Withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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